

- (2) The findings of the Administrative Law Judge should be affirmed. Significant inconsistencies exist between claimant's testimony and the medical records that were

compiled by the various health care providers who treated claimant's injuries. In addition, the nursing home administrator, Ms. Patricia J. Kissick, testified that claimant told her on December 27, 1994, that claimant did not remember hurting her knee at work.

The Administrative Law Judge had the unique opportunity to observe and judge the demeanor and credibility of the claimant and the nursing home administrator when they testified. Based upon the evidence provided to date, the Appeals Board finds that claimant has failed to prove it is more probably true than not that she injured her left knee during a fall at work on July 7, 1994.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Preliminary Hearing Order of Administrative Law Judge John D. Clark entered in this proceeding on June 1, 1995, should be, and hereby is, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of September, 1995.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Dale V. Slape, Wichita, Kansas  
Jeffrey A. Chanay, Topeka, Kansas  
John D. Clark, Administrative Law Judge  
Philip S. Harness, Director